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In re Application of BUGRIM et al.  
Application No.: 10/518,103  
PCT No.: PCT/US03/19325  
Int. Filing: 18 June 2003  
Priority Date: 18 June 2002  
Attorney Docket No.: GENE.003.PCT  
For: METHODS FOR IDENTIFYING  
COMPOUNDS FOR TREATING  
DISEASE STATES

DECISION ON  
PETITION TO VACATE NOTICE  
OF ABANDONMENT

This is a decision on applicant's "Petition For Withdrawal of Holding of Abandonment under 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 04 August 2005.

On 20 July 2005, a Notification of Abandonment (FORM PCT/DO/EO/909) was mailed to applicant indicating that applicant had failed to provide the full U.S. basic national fee by 30 months.

On 04 August 2005, applicant filed a "Petition for Withdrawal of Holding of Abandonment under 37 CFR 1.181" indicating that the basic national fee was filed on 10 December 2004 with the original national stage application and was unaware of the increased of the filing fees which occurred on 08 December 2004.

### DISCUSSION

Effective 08 December 2004, the basic national filing fee is \$300 (\$150 for small entity)<sup>1</sup>. On 10 December 2004, applicant filed a transmittal letter requesting entry into the national stage along with a check for \$100 for the basic national fee.

A review of the application file reveals that the basic national fee of \$300 was not paid with the filing of the request for national stage application on 10 December 2004. Applicant provided \$100, the amount of the basic national filing fee prior to 08 December 2004, where the USPTO prepared the international preliminary examination report (IPER) and where all claims satisfied the provisions of PCT Article 33(1)-(4).

In the instant case, international application PCT/US03/19325 did not have an IPER prepared in the USPTO, which satisfied the provisions of PCT Article 33(1)-(4). A review of

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<sup>1</sup>Advance Notice Regarding Changes to Patent Fees Under the Consolidated Appropriations Act, 2005 was posted on the USPTO website on December 2, 2004. The public was advised to monitor the USPTO's Internet Web site frequently for current patent fee information pending enactment of the Act. On 08 December 2004, the Act was enacted into law and the basic national fee under 37 CFR 1.492(a) was changed to \$300.

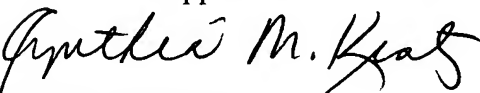
USPTO records does not indicate that a Demand was filed nor were the appropriate fees paid for an IPER. As of 08 December 2004, the basic national filing fee is \$300<sup>2</sup>. On 10 December 2004, applicant filed a request for national stage entry and paid \$100 by check for the basic national fee. Applicant did not authorize the charging of any additional fees, which may be required, to his deposit account.

The basic national filing fee of \$300 was not paid by the expiration of the thirty month period from the priority date or by 18 December 2004. Since the full basic national fee of \$300 was not paid by the expiration of the thirty month period, the international application was abandoned. The Notification of Abandonment (FORM PCT/DO/EO/909) mailed on 20 July 2005 remains in effect. Applicant may wish to consider filing a petition to revive under 37 CFR 1.137 to revive the international application.

### CONCLUSION

Applicant's "Petition For Withdrawal of Holding of Abandonment under 37 CFR 1.181" is **DISMISSED WITHOUT PREJUDICE**. The application remains abandoned.

This application will be held in the PCT Legal Office to await applicant's further response.



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<sup>2</sup> Applicant is advised that the national stage search and examination fees pursuant to 37 CFR 1.492(b) and (c) apply to the national stage application. Fees can be found at the USPTO website ([www.uspto.gov](http://www.uspto.gov)).